

IV. Remarks.

The Examiner entered the following rejections.

1. Claims 1-4, 6, 7, 10-27, 29 and 30 are rejected under 35 USC 102(b) as being anticipated by Hayakawa et al (US 4,478,595).

The analysis with respect to anticipation requires that a strict standard be satisfied. The standard extends beyond simply identifying elements in the reference that are then compared to the claim, it requires that every element be present arranged as in the claim.

Rejection for anticipation or lack of novelty requires, as the first step in the inquiry, that all the elements of the claimed invention be described in a single reference. Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed.Cir.), cert. denied, 493 U.S. 853, 110 S.Ct. 154, 107 L.Ed.2d 112 (1989). An invention is anticipated if the same device, including all the claim limitations, is shown in a single prior art reference. Every element of the claimed invention must be literally present, arranged as in the claim. Perkin-Elmer Corp v. Computervision Corp., 732 F.2d at 894, 221 USPQ at 673 (Fed.Cir.); Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 771-72, 218 USPQ 781, 789 (Fed.Cir.1983), cert. denied, 465 U.S. 1026, 104 S.Ct. 1284, 79 L.Ed.2d 687 (1984). The identical invention must be shown in as complete detail as is contained in the patent claim. Jamesbury Corp. v. Litton Industrial Products, Inc., 756 F.2d at 1560, 225 USPQ at 256 (Fed.Cir.).

As to claim 1, the reference does not teach "the **load** sensor detecting and transmitting a **load signal** to a controller" (emphasis added). Instead, Hayakawa teaches a displacement sensor (38) which generates a signal related to a displacement "X", col. 4, lines 40-43 and lines 49-54. Hayakawa does not teach a load sensor nor does it teach a load signal. Hayakawa only teaches a displacement sensor and a displacement signal. The signals are not analogous. The first measures displacement or movement over a distance. The load sensor measures force and not a displacement as understood from the reference. Hence, Hayakawa's displacement sensor as argued cannot anticipate.

Independent claims 7, 10, 12, 19, 23 and 25 also contain limitations directed to a "load sensor" or to a "toroid load sensor", neither of which is taught by Hayakawa.

The remaining claims in the rejection depend from the foregoing independent claims.

2. Claims 5, 8, 9 and 28 are rejected under 35 USC 103(a) as being unpatentable over Hayakawa et al (US 4,478,595) in view of Jones et al (GB 2188440).

Claim 5 depends from claim 1. Claims 8, 9 depend from claim 7. Claim 28 depends from claim 25.

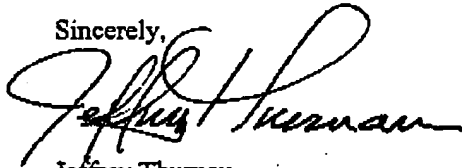
Applicant requests withdrawal of this rejection and allowance of all claims.

V. Fees

Any fees payable for this response, including for the petition for extension of time may be deducted from deposit account 07-0475 in the name of The Gates Corporation.

Thank you for your attention to this case.

Sincerely,



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